



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,004	03/22/2004	Larry A. Fisher	1-36799	1184

43935 7590 08/26/2005

FRASER MARTIN BUCHANAN MILLER LLC  
 132C WEST SECOND STREET  
 PERRYSBURG, OH 43551-1401

EXAMINER

ABBOTT, YVONNE RENEE

ART UNIT	PAPER NUMBER
----------	--------------

3644

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/806,004

**Applicant(s)**

FISHER, LARRY A.

**Examiner**

Yvonne R. Abbott

**Art Unit**

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/22/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because in line 1, the phrase "is disclosed" should be omitted. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisk (3,208,432). Fisk shows an animal treatment table comprising a support platform (43), a vertically movable structure (38) including a scissors lift (44,45) mounted to the platform to cause the platform to move to selected vertical positions; and a rail

Art Unit: 3644

structure (55,56,57) supported by the platform and used in conjunction with chains (58,61) to restrain the animal.

5. Claims 1-3, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ream (4,457,403). Ream shows a platform capable of supporting an animal comprising a support platform (12), a vertically movable structure (69) including a scissors lift (13,14) mounted to the platform to cause the platform to move to selected vertical positions, at least one hydraulic cylinder (75) to operate the scissors lift, a motor (col. 5, lines 22-27), and control system (29) to control actuation of the hydraulic cylinder; and a rail structure (28) including upright and horizontally disposed rails supported by the platform to restrain the animal.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Read (6,230,657). Read shows a platform for supporting an animal comprising a support platform (12), a vertically movable structure (16) including a scissors lift mounted to the platform to cause the platform to move to selected vertical positions, at least one hydraulic cylinder to operate the scissors lift, a motor (30) which controls and powers the lift (16) to control actuation of the hydraulic cylinder; and a rail structure formed by the top edge of shroud (14) supported by the platform to restrain the animal, wherein in the collapsed state (Fig. 1), the shroud forms a pit in which the scissors lift is housed.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 5, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ream (403) in view of Möller (4,511,110). Although Ream discloses that batteries, a hydraulic fluid system, and motor are housed in compartments (84a,84b) it is not specifically disclosed that the hydraulic system is electrically powered. Möller teaches a scissors lift table and discloses (col. 1, lines 16-30) that the drive of lift tables is effected hydraulically by hydraulic cylinders mounted on the scissors mechanism with hydraulic fluid delivered by a pump driven by an electric motor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the electric motor powering system taught by Möller on the Ream work platform if one wished to lift heavy loads effectively and efficiently.

9. Claims 4, 5, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Read (657) in view of Möller (4,511,110). Although Read discloses a motor (30) which controls and powers the lift (16) to control actuation of the hydraulic cylinder it is not specifically disclosed that the hydraulic system is electrically powered. Möller teaches a scissors lift table and discloses (col. 1, lines 16-30) that the

Art Unit: 3644

drive of lift tables is effected hydraulically by hydraulic cylinders mounted on the scissors mechanism with hydraulic fluid delivered by a pump driven by an electric motor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the electric motor powering system taught by Möller on the Read table if one wished to lift heavy loads (animals) effectively and efficiently.

10. Claims 1,2,3, 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zito (5,213,061) in view of Ream ('403). Zito discloses a farrier trailer comprising an animal supporting platform, a rail structure (24,26,27,28,29,30) including upright and horizontal rails supported by the platform; at least on adjustable intermediate rail (29) to facilitate restraining different sized animals; further comprising a shoeing plate (32) including a strap (78), wherein the shoeing apparatus is height adjustable via the slider bars (30) (on which the shoeing apparatus is mounted) being vertically adjustable (col. 3, lines 6-26). Zito, however, does not disclose that the platform is vertically movable. Ream teaches a railed structure capable of supporting animals which is vertically movable via a hydraulic scissors lift. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the scissors lift taught by Ream on Zito in order to provide a means of elevating or lowering the trailer platform while attached to support bar (22) to provide more convenient access to the farrier apparatus, or ease in unloading/loading the animal onto the platform.

11. Claims 4,5,11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zito in view of Ream as applied to claims 1-3, and 6-10 above, and further in view of

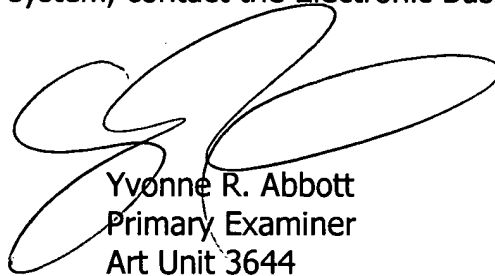
Art Unit: 3644

Möller ('110). Although Ream discloses that batteries, a hydraulic fluid system, and motor are housed in compartments (84a,84b) it is not specifically disclosed that the hydraulic system is electrically powered. Möller teaches a scissors lift table and discloses (col. 1, lines 16-30) that the drive of lift tables is effected hydraulically by hydraulic cylinders mounted on the scissors mechanism with hydraulic fluid delivered by a pump driven by an electric motor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the electric motor powering system taught by Möller on the Zito in view of Ream platform if one wished to lift heavy animal loads effectively and efficiently.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne R. Abbott whose telephone number is (571) 272-6896. The examiner can normally be reached on Monday-Thursday 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on (571) 272-7045. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yvonne R. Abbott  
Primary Examiner  
Art Unit 3644

8/22/05